

REMARKS

I. Summary of Office Action

Claims 85-136 were pending in this application.

Claims 85-94, 98-107, 111-120, and 124-133 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Alexander et al. U.S. Patent No. 6,177,931 (hereinafter "Alexander") in view of Jernigan et al. U.S. Patent No. 5,233,423 (hereinafter "Jernigan").

Claims 95-97, 108-110, 121-123, and 134-136 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Alexander in view of Jernigan and in further view of Knee et al U.S. Patent No. 5,589,892 (hereinafter "Knee").

II. Summary of Telephonic Interview

Applicants appreciate the time and attention of Examiner Nguyen Ba during the telephonic interview of January 27, 2009. During the interview, the outstanding rejections of the pending claims were discussed.

In response to the 35 U.S.C. § 103(a) rejection of claims 85-94, 98-107, 111-120, and 124-133, Applicants respectfully noted that the present invention links between traditional television broadcasts and interactive program guide information by overlaying an icon on a full-screen television commercial, without having to enter the interactive program guide. The Examiner suggested that the claims be amended to more particularly define the claimed invention.

III. Summary of Reply

Claims 85, 89, 111 and 124 have been amended to more particularly define the invention. Claims 137-140 have been added. The claim amendments are fully supported by the application as originally filed and do not add new matter.

Applicants respectfully traverse the rejections.

IV. The 35 U.S.C. § 103(a) Rejections

The Examiner rejected claims 85-94, 98-107, 111-120, and 124-133 under 35 U.S.C. § 103(a) as being unpatentable over Alexander in view of Jernigan. Applicants respectfully traverse this rejection.

Applicants' independent claims 85, 98, 111, and 124 are directed to a method, systems, and computer readable medium for presenting a user with a graphic advertisement in an interactive television program guide. Without entering the interactive television program guide, a full-screen television commercial that is associated with a given advertiser is displayed. An icon is overlaid on the full-screen television commercial, without entering the interactive television program guide. The icon provides the user with an opportunity to access interactive program guide information. The interactive program guide information and a graphic advertisement associated with the given advertiser are displayed in response to receiving a user input to access the interactive program guide information while the icon is displayed.

Alexander shows the placement of an "ad window" within an electronic program guide (EPG). See Alexander,

column 4, lines 34-43, and FIG. 1. After entering the EPG, a user can select an "i" icon within an ad window to access more information available for that advertisement. See Alexander, column 26, lines 14-16.

As described above, a user of Alexander's system must *previously enter* the EPG in order to access more information by selecting the "i" icon. Alexander explicitly describes the circumstances under which a full-screen advertisement will be displayed: "when the viewer first enters the EPG, the EPG can display a full screen ad." See Alexander, column 24, lines 21-23, emphasis added. As such, in Alexander a user must first enter the EPG before any full-screen ad window with an "i" icon is displayed. Alexander, therefore, fails to show or suggest providing an indication of interactive television program guide information *before a user has entered* the interactive television program guide by overlaying an icon onto a full-screen advertisement, as required by Applicants' independent claims.

Applicants' claimed invention patentably improves upon Alexander by providing an opportunity for a user to link between a full-screen advertisement *outside* of the interactive television program guide and interactive television program guide information. This linking advantageously supports the coordination of passive advertising (e.g., the full-screen television commercial viewed outside the EPG) with interactive content by "overlay[ing] an alert icon onto the video signal to alert the user that interactive content is available." See Applicants' specification, page 36, lines 4-6.

Applicants respectfully submit that Jernigan also fails to show or suggest these claimed features and indeed teaches away from Applicants' approach for providing interactive television program guide information. Jernigan teaches "locally storing ... data representing commercial advertisements, selectively converting said data into video signals, and selectively switching said video signals to the display of said television receiver for a predetermined period of time." See Jernigan, column 1, lines 35-40. To display a full-screen advertisement, the device described by Jernigan *switches away from* the programming video signal and instead displays an advertisement generated by the local television receiver. See Jernigan, column 1, lines 61-68 and column 3, lines 62-63.

As noted above, Applicants' claimed invention performs no such switching and instead *combines* the programming video signal with a notification of interactive content by *overlaying* an alert icon onto the video signal. In Jernigan's full-screen mode of operation, the user has no control over the operation of the television display and must wait until the "predetermined period of time" for displaying the advertisement has passed. See Jernigan, column 3, lines 62-63. Nowhere does Jernigan show or suggest that a user may interact with the advertisement or be linked to interactive program guide information. Instead, the device of Jernigan is designed to *preclude* user interaction with the advertisement by taking control of the display away from the user during the time periods allotted for display of the locally-generated

advertisements. In fact, Jernigan does not teach or suggest any form of interactive content, nor the presence of an interactive program guide.

Additionally, Applicants respectfully submit that the combination of Alexander and Jernigan also fails to show or suggest these claimed features, and moreover, that Alexander and Jernigan cannot be combined in the manner suggested by the Office Action. Alexander describes methods for a user to access additional information associated with an advertisement displayed within an EPG, and therefore requires that a user be able to interact with the display via the EPG. Jernigan's system, however, prevents user interaction with the display during the period of the locally-generated full-screen advertisements. One of ordinary skill in the art would not combine the teachings of Alexander and the teachings of Jernigan because of this fundamental incompatibility.

For at least the foregoing reasons, Applicants submit that any combination of Alexander and Jernigan fails to teach or suggest all of the claimed features recited in independent claims 85, 98, 111, and 124. Each of dependent claims 86-94, 99-107, 112-120, and 125-133 contain all the limitations of its respective independent claim. Applicants respectfully request, therefore, that the 35 U.S.C. § 103(a) rejection of claims 85-94, 98-107, 111-120, and 124-133 be withdrawn.

The Office Action rejected dependent claims 95-97, 108-110, 121-123, and 134-136 under 35 U.S.C. § 103(a) as being unpatentable over Alexander in view of Jernigan and in further view of Knee. Applicants submit that these claims are

allowable for at least the same reasons as their respective independent claims, claims 85, 98, 111, and 124. Applicants respectfully request, therefore, that the rejection of claims 95-97, 108-110, 121-123, and 134-136 under 35 U.S.C. § 103(a) be withdrawn.

V. New Claims 137-140

Applicants have added new claims 137-140. These claims, which depend from one of independent claims 85, 98, 111, and 124, are allowable for at least same reasons as their respective independent claims.

VI. Conclusion

The foregoing demonstrates that claims 85-140 are allowable. This application is therefore in condition for allowance. Reconsideration and allowance are accordingly respectfully requested.

Respectfully submitted,

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